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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,407	11/02/2001	Donald J. Stavely	10019757 -1	9397

7590 12/23/2004

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EXAMINER

JELINEK, BRIAN J

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 12/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/005,407

Applicant(s)

STAVELY ET AL.

Examiner

Brian Jelinek

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 November 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

This is a first office action in response to application no. 10/005,407 filed on 11/2/2004 in which claims 1-47 are presented for examination.

Drawings

Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: primary set 320 (spec. pg. 6, line 11). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 8-13, and 15-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Dow et al. (EP Pub. No. EP 0 978 987 A2).

Regarding claim 1, Dow et al. teaches an image browsing user interface (col. 2, lines 51-54), comprising: a display (Fig. 1A, element 24); and a first function (Fig. 1A, elements 46 and 48) to select for viewing on the display an image belonging to a set of images (identified by the license plate number, e.g. Fig. 6, set 16), the set of images comprising at least one preferred image (i.e. an individual image or the first image of a group of images), each preferred image belonging to a group of images.

Regarding claim 2, Dow et al. teaches a second function (Fig. 1A, elements 42 and 44) to select for viewing on the display at least one image belonging to a group of images (Fig. 9A, 9B, and 9C), when the first function has selected the preferred image (Fig. 9A) within the group of images.

Regarding claim 3, Dow et al. teaches a third function to designate the preferred image within a group of images, where a “live arrow” designates the first image in a group of images (e.g. 1/13) (Fig. 9A).

Regarding claim 4, Dow et al. teaches the third function designates as the preferred image the most recently selected image within the group of images because it is inherent that when the most recently selected image is the first image in a group of images it will be designated as a preferred image (e.g. 1/13) (Fig. 9A).

Regarding claim 5, Dow et al. teaches the set of images contains at least one individual image (Figs. 6).

Regarding claim 6, Dow et al. teaches the first function comprises a first pair of opposing directional modes, and the second function comprises a second pair of opposing directional modes that is orthogonal to the first pair of opposing directional modes (Fig. 1A, elements 46 and 48, 42 and 44).

Regarding claim 8, Dow et al. teaches an image browsing user interface (col. 2, lines 51-54), comprising: means for displaying at least one image (Fig. 1A, element 24); and first input means (Fig. 1A, elements 46 and 48) for selecting for display an image belonging to a set of images (identified by the license plate number, e.g. Fig. 6, set 16), the set of images comprising at least one preferred image (i.e. an individual image or the first image of a group of images), each preferred image belonging to a group of images.

Regarding claim 9, Dow et al. teaches a second input means (Fig. 1A, elements 42 and 44) for selecting for display at least one image belonging to a group of images (Fig. 9A, 9B, and 9C), when the first input means has selected the preferred image within the group of images.

Regarding claim 10, Dow et al. teaches a third input means (Fig. 1A, element 42 and 44) for designating the preferred image within a group of images, where a "live arrow" designates the first image in a group of images (e.g. 1/13) (Fig. 9A).

Regarding claim 11, Dow et al. teaches the third input means designates as the preferred image the most recently selected image within the group of images because it is inherent that when the most recently selected image is the first image in a group of images it will be designated as a preferred image (e.g. 1/13) (Fig. 9A).

Regarding claim 12, Dow et al. teaches the set of images contains at least one individual image (Fig. 6).

Regarding claim 13, Dow et al. teaches the first input means comprises a first pair of opposing directional modes, and the second input means comprises a second pair of opposing directional modes that is orthogonal to the first pair of opposing directional modes (Fig. 1A, elements 46 and 48, 42 and 44).

Regarding claim 15, Dow et al. teaches a digital camera (Fig. 1A), comprising: an optical system, which is inherent in an image capture device; an imaging device to convert optical images received from the optical system to corresponding digital images (col. 7, lines 1-3); a memory to store the digital images (Fig. 2, element 74); a display (Fig. 1A, element 24); control logic (Fig. 2) configured to designate a preferred digital image (i.e. an individual image or the first image of a group of images) within each of at least one group of digital images, where a "live arrow" designates the first image in a group of images (e.g. 1/13) (Fig. 9A); a first input control to select for viewing on the display a digital image belonging to a set of digital images (identified by the license plate number, e.g. Fig. 6, set 16), the set of digital images comprising at least one preferred digital image (i.e. an individual image or the first image of a group of images); and a second input control (Fig. 1A, elements 42 and 44) to select for viewing on the

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display at least one digital image belonging to a group of digital images (Figs. 9B and 9C), when the first input control has selected the preferred digital image within the group of digital images.

Regarding claim 16, Dow et al. teaches the control logic designates the most recently selected digital image within each group of digital images as the preferred digital image because it is inherent that when the most recently selected image is the first image in a group of images it will be designated as a preferred image (e.g. 1/13) (Fig. 9A).

Regarding claim 17, Dow et al. teaches the set of images contains at least one individual image (Fig. 6).

Regarding claim 18, Dow et al. teaches the first input control comprises a first pair of opposing directional modes, and the second input control comprises a second pair of opposing directional modes that is orthogonal to the first pair of opposing directional modes (Fig. 1A, elements 46 and 48, 42 and 44).

Regarding claim 19, Dow et al. teaches the first pair of opposing directional modes lies horizontally with respect to a housing of the digital camera and the second pair of opposing directional modes lies vertically with respect to the housing of the digital camera (Fig. 1A, elements 46 and 48, 42 and 44), where the reference line of the housing is taken to be the bottom edge of the image capture device.

Regarding claim 20, Dow et al. teaches the first pair of opposing directional modes lies vertically with respect to a housing of the digital camera and the second pair of opposing directional modes lies horizontally with respect to the housing of the digital camera (Fig. 1A, elements 46 and 48, 42 and 44), where the reference line of the housing is taken to be the left edge of the image capture device.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 14, and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Dow et al. (EP Pub. No. EP 0 978 987 A2) in view of Kawaoka et al. (U.S. Pat. No. 6,801,251).

Regarding claim 7, Dow et al. teaches deleting a page or group of pages from memory (Fig. 2, element 94). Dow et al. does not teach a fourth function to delete all images except those belonging to the set of images.

However, Kawaoka et al. teaches determining a representative image for each group of a plurality of groups of images and deleting all images except those that belong to the set of representative images with an "inputted deleted command" (Fig. 14; col. 12, lines 2-11 and 20-35). One of ordinary skill in the art would have determined a representative image for each group of a plurality of groups of images for the purpose of creating a composite image comprising the highlights from a number of events (Fig. 16); furthermore, one of ordinary skill in the art would have deleted all images except those that belong to the set of representative images because only the representative images are necessary in order to synthesize a composite image (col. 12, lines 23-26). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided a fourth function to delete all images except

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those belonging to the set of images because only the representative images are necessary in order to synthesize a composite image comprising the highlights from a number of events.

Regarding claim 14, Dow et al. teaches deleting a page or group of pages from memory (Fig. 2, element 94). Dow et al. does not teach a fourth input means for deleting all images except those belonging to the set of images.

However, Kawaoka et al. teaches determining a representative image for each group of a plurality of groups of images and deleting all images except those that belong to the set of representative images with an "inputted deleted command" (Fig. 14; col. 12, lines 2-11 and 20-35). One of ordinary skill in the art would have determined a representative image for each group of a plurality of groups of images for the purpose of creating a composite image comprising the highlights from a number of events (Fig. 16); furthermore, one of ordinary skill in the art would have deleted all images except those that belong to the set of representative images because only the representative images are necessary in order to synthesize a composite image (col. 12, lines 23-26). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided a fourth input means comprising a "delete input command" for deleting all images except those belonging to the set of images because only the representative images are necessary in order to synthesize a composite image comprising the highlights from a number of events.

Regarding claim 21, Dow et al. teaches deleting a page or group of pages from memory (Fig. 2, element 94). Dow et al. does not teach a third input control to delete all digital images except those belonging to the set of digital images.

However, Kawaoka et al. teaches determining a representative image for each group of a plurality of groups of images and deleting all images except those that belong to the set of representative images with an “inputted delete command” (Fig. 14; col. 12, lines 2-11 and 20-35). One of ordinary skill in the art would have determined a representative image for each group of a plurality of groups of images for the purpose of creating a composite image comprising the highlights from a number of events (Fig. 16); furthermore, one of ordinary skill in the art would have deleted all images except those that belong to the set of representative images because only the representative images are necessary in order to synthesize a composite image (col. 12, lines 23-26). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided a third input control to delete all digital images except those belonging to the set of digital images comprising a “delete input command” for deleting all images except those belonging to the set of images because only the representative images are necessary in order to synthesize a composite image comprising the highlights from a number of events.

Regarding claim 22, Dow et al. teaches a communication interface configured to transfer pages or groups of pages to an external device (col. 6, lines 50-56; Fig. 2, element 96). Dow et al. does not specifically teach transferring at least the set of digital images to an external device.

However, Kawaoka et al. teaches transferring all of the images stored in the image capture device to an image synthesizer (col. 13, lines 16-24). One of ordinary skill in the art would have transferred all of the images stored in the image capture device to an image synthesizer, including the set of digital images, in order to sequentially display all of the images (col. 13, lines 16-24). As a result, it would have been obvious to one of ordinary skill in the art

at the time of the invention to have transferred all of the images stored in the image capture device to an image synthesizer, including the set of digital images, in order to sequentially display all of the images.

Claims 23-25, 31-33, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dow et al. (EP Pub. No. EP 0 978 987 A2), in view of Anderson (U.S. Pat. No. 6,249,316).

Regarding claim 23, Dow et al. teaches a method for manipulating images stored in a device, comprising: selecting for display at least one image belonging to both a first (Fig. 9A, set 17) and a second set (Figs. 9A, 9B, and 9C) of images using a first control (Fig. 1A, elements 46 and 48); selecting for display at least one image belonging to the second set of images using a second control (Fig. 9B; Fig. 1A, elements 42 and 44). Dow et al. further teaches designating a preferred image (i.e. an individual image or the first image of a group of images) within a group of images with a “live arrow” which designates the first image in a group of images (e.g. 1/13) (Fig. 9A). Dow et al. does not teach designating one of the at least one images belonging to the second set of images as a preferred image, the preferred image thereby becoming a member of both the first and second sets of images.

However, Anderson teaches a selection rectangle and a “mark” button may be used to number a group of images by selecting and then marking each image in a series of images, allowing a user to dynamically reorder the images in a group of images (col. 8, lines 1-9). One of ordinary skill in the art would have provided the capability to mark one of the at least one images belonging to the second set of images as a preferred image (i.e. the first image in a group

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of images) in order to enable a user to dynamically reorder the images in a group of images, the preferred image thereby becoming a member of both the first and second sets of images (col. 8, lines 1-9). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have designated one of the at least one images belonging to the second set of images as a preferred image using a selection rectangle and mark button in order to dynamically reorder the images in a group of images, the preferred image thereby becoming a member of both the first and second sets of images.

Regarding claim 24, the combination of Dow et al. and Anderson teach designating one of the at least one images belonging to the second set of images as a preferred image (please see the 103 rejection of claim 23). Furthermore, it is clear that designating the preferred image is performed in response to at least one image not belonging to the second set of images being selected using the first control (Dow: Fig. 9A) because it is necessary to navigate to the first set of images (Dow: Fig. 9A, set 17) before navigating to the second set of images (Dow: Fig. 9B and 9C). Further still, it is clear that the preferred image comprises the most recently selected image from among the at least one images belonging to the second set of images because when an image in a group of images is marked as image "1", it is the most recently selected image (Anderson: col. 7, lines 49-52).

Regarding claim 25, Anderson further teaches that designating an image as the preferred image comprises tagging the image with a "1" so that the image is reordered as the first image in the group (Fig. 11; col. 8, lines 1-9). One of ordinary skill in the art would have designated the first image by embedding the tag "1" within the image to enable a user to see the order in which they have marked a group of images for reordering (col. 8, lines 1-9). As a result, it would have

been obvious to one of ordinary skill in the art at the time of the invention to have designated one of the at least one images belonging to the second set of images as a preferred image by embedding a tag within the one of the at least one images belonging to the second set of images to enable a user to see the order in which they have marked a group of images for reordering.

Regarding claim 31, Dow et al. teaches the device is a digital camera, a palmtop computer, a PDA, a personal computer, or a communicator phone (Fig. 1A, element 22).

Regarding claim 32, Dow et al. teaches a method for manipulating images stored in a device, comprising: selecting for display one of an individual image (Fig. 6) and a preferred image (Fig. 9A) using a first control (Fig. 1A, elements 46 and 48), the preferred image belonging to a group of images (Figs. 9A, 9B, and 9C); selecting for display a different image (Fig. 9B) belonging to the group of images using a second control (Fig. 1A, elements 42 and 44), when the first control has been used to select the preferred image. Furthermore, Dow et al. teaches designating a preferred image within a group of images with a "live arrow" which designates the first image in a group of images (e.g. 1/13) (Fig. 9A); and designating a different image within the group of images with a different live arrow (e.g. 2/13) (Fig. 9B). Dow et al. does not teach designating the different image as the preferred image, when an image not belonging to the group of images is subsequently selected using the first control.

However, Anderson teaches a selection rectangle and a "mark" button may be used to number a group of images by selecting and then marking each image in a series of images, allowing a user to dynamically reorder the images in a group of images (col. 8, lines 1-9). One of ordinary skill in the art would have provided the capability to mark the different image as a preferred image (i.e. the first image in a group of images) in order to enable a user to

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dynamically reorder the images in a group of images (col. 8, lines 1-9), when an image not belonging to the group of images is subsequently selected using the first control. As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have designating the different image as the preferred image using a selection rectangle and mark button in order to dynamically reorder the images in a group of images, when an image not belonging to the group of images is subsequently selected using the first control.

Regarding claim 33, Anderson further teaches that designating an image as the preferred image comprises tagging an image with a "1" so that the image is reordered as the first image in the group (Fig. 11; col. 8, lines 1-9). One of ordinary skill in the art would have designated the first image by embedding the tag "1" within the image to enable a user to see the order in which they have marked a group of images for reordering (col. 8, lines 1-9). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have designated the different image as the preferred image by embedding a tag within the different image to enable a user to see the order in which they have marked a group of images for reordering.

Regarding claim 39, Dow et al. teaches the device is a digital camera, a palmtop computer, a PDA, a personal computer, or a communicator phone (Fig. 1A, element 22).

Claims 26-27, and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dow et al. (EP Pub. No. EP 0 978 987 A2), in view of Anderson (U.S. Pat. No. 6,249,316), and further in view of Aoi et al. (U.S. Appl. No. 2003/0169349 A1).

Regarding claim 26, Anderson further teaches that designating an image as the preferred image comprises tagging an image with a "1" so that the image is reorded as the first image in the group (Fig. 11; col. 8, lines 1-9). Anderson does not teach the setting of a directory attribute.

However, Aoi et al. teaches a naming and file structure for tagging single images and groups of images in order to indicate the directory of a group of images (Fig. 3, DIRECTORY), the sequence in which a series of images were captured (Fig. 3, index number of image file in FILE NAME column, e.g. "3432", "3433", etc.), and the group to which a particular image belongs (Fig. 3, GROUP column, letter in FILE NAME column, e.g. "STA", "STB", etc). Aoi et al. further teaches a file having file head "STA" represents a file at the head of a group of images and that the order of generation and storage of data can be decided by including a character showing a component of the group (e.g. "A", "B", "C", etc.) (para 116 and 117). One of ordinary skill in the art would have designated a preferred image belonging to a second set of images by embedding the "STA" file head tag in the file name of the preferred image in order to "quickly correspond to the case in which a user arranges data" (para 117). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have designated one of the images belonging to the second set of images as a preferred image by embedding the "STA" file head tag within the one of the at least one images belonging to the second set of images in order to "quickly correspond to the case in which a user arranges data".

Regarding claim 27, Anderson further teaches that designating an image as preferred image comprises tagging an image with a "1" so that the image is reorded as the first image in the group (Fig. 11; col. 8, lines 1-9). Anderson does not teach adding to a list of preferred images an identifier corresponding to an image belonging to a second set of images.

However, Aoi et al. teaches a naming and file structure for tagging single images and groups of images in order to indicate the directory of a group of images (Fig. 3, DIRECTORY), the sequence in which a series of images were captured (Fig. 3, index number of image file in FILE NAME column, e.g. "3432", "3433", etc.), and the group to which a particular image belongs (Fig. 3, GROUP column, letter in FILE NAME column, e.g. "STA", "STB", etc). Aoi et al. further teaches a file having file head "STA" represents a file at the head of a group of images and that the order of generation and storage of data can be decided by including a character showing a component of the group (e.g. "A", "B", "C", etc.) (para 116 and 117). It is clear that reordering a group of images such that a different image becomes the preferred image requires renaming the new preferred image with file head "STA". One of ordinary skill in the art would have provided the file head "STA" identifier to the file name of the new preferred image in the file name list (comprising a list of preferred images) (Fig. 3) for the purpose of identifying a new first image in a group of images (para 116 and 117). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have designated one of the at least one images belonging to the second set of images as a preferred image by adding to a list of preferred images an identifier corresponding to the one of the at least one images belonging to the second set of images for the purpose of identifying a new first image in a group of images.

Regarding claim 34, Anderson further teaches that designating an image as the preferred image comprises tagging an image with a "1" so that the image is reordered as the first image in the group (Fig. 11; col. 8, lines 1-9). Anderson does not teach the setting of a directory attribute.

However, Aoi et al. teaches a naming and file structure for tagging single images and groups of images in order to indicate the directory of a group of images (Fig. 3, DIRECTORY),

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the sequence in which a series of images were captured (Fig. 3, index number of image file in FILE NAME column, e.g. "3432", "3433", etc.), and the group to which a particular image belongs (Fig. 3, GROUP column, letter in FILE NAME column, e.g. "STA", "STB", etc). Aoi et al. further teaches a file having file head "STA" represents a file at the head of a group of images and that the order of generation and storage of data can be decided by including a character showing a component of the group (e.g. "A", "B", "C", etc.) (para 116 and 117). One of ordinary skill in the art would have designated the different image as the preferred image by setting a directory attribute associated with the different image by providing a file name having the file head "STA" in order to "quickly correspond to the case in which a user arranges data" (para 117). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have designated the different image as the preferred image by setting a directory attribute associated with the different image by providing a file name having the file head "STA" in order to "quickly correspond to the case in which a user arranges data".

Regarding claim 35, Anderson further teaches that designating an image as preferred image comprises tagging an image with a "1" so that the image is reorded as the first image in the group (Fig. 11; col. 8, lines 1-9). Anderson does not teach adding to a list of preferred images an identifier corresponding to an image belonging to a second set of images.

However, Aoi et al. teaches a naming and file structure for tagging single images and groups of images in order to indicate the directory of a group of images (Fig. 3, DIRECTORY), the sequence in which a series of images were captured (Fig. 3, index number of image file in FILE NAME column, e.g. "3432", "3433", etc.), and the group to which a particular image belongs (Fig. 3, GROUP column, letter in FILE NAME column, e.g. "STA", "STB", etc). Aoi et

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al. further teaches a file having file head "STA" represents a file at the head of a group of images and that the order of generation and storage of data can be decided by including a character showing a component of the group (e.g. "A", "B", "C", etc.) (para 116 and 117). It is clear that reordering a group of images such that a different image becomes the preferred image requires renaming the new preferred image with file head "STA". One of ordinary skill in the art would have provided the file head "STA" identifier to the file name of the new preferred image in the file name list (comprising a list of preferred images) (Fig. 3) for the purpose of identifying a new first image in a group of images (para 116 and 117). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have designated the different image as the preferred image by adding to a list of preferred images an identifier corresponding to the different image for the purpose of identifying a new first image in a group of images.

Claims 28-30, 36-38, 40-41, and 44-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dow et al. (EP Pub. No. EP 0 978 987 A2), in view of Anderson (U.S. Pat. No. 6,249,316) in view of Kawaoka et al. (U.S. Pat. No. 6,801,251).

Regarding claim 28, Dow et al. teaches deleting a page or group of pages from memory (Fig. 2, element 94). Dow et al. does not teach deleting all images stored in the device except those belonging to the first set of images.

However, Kawaoka et al. teaches determining a representative image for each group of a plurality of groups of images and deleting all images except those that belong to the set of representative images with an "inputted deleted command" (Fig. 14; col. 12, lines 2-11 and 20-35). One of ordinary skill in the art would have determined a representative image for each

group of a plurality of groups of images for the purpose of creating a composite image comprising the highlights from a number of events (Fig. 16); furthermore, one of ordinary skill in the art would have deleted all images except those that belong to the set of representative images because only the representative images are necessary in order to synthesize a composite image (col. 12, lines 23-26). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have deleted all images stored in the device except those belonging to the first set of images with a "delete input command" because only the representative images are necessary in order to synthesize a composite image comprising the highlights from a number of events.

Regarding claim 29, Dow et al. teaches uploading pages or groups of pages to an external device (col. 6, lines 50-56; Fig. 2, element 96). Dow et al. does not specifically teach uploading at least the first set of images.

However, Kawaoka et al. teaches uploading all of the images stored in the image capture device to an image synthesizer (col. 13, lines 16-24). One of ordinary skill in the art would have uploaded all of the images stored in the image capture device to an image synthesizer, including the first set of digital images, in order to sequentially display all of the images (col. 13, lines 16-24). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have uploaded all of the images stored in the image capture device to an image synthesizer, including the first set of digital images, in order to sequentially display all of the images.

Regarding claim 30, Kawaoka et al. teaches all the images stored in the device are uploaded to the external device (please see the rejection of claim 29). Kawaoka et al. further

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teaches after the memory card is mounted, the image synthesizer subsequently reads an "image storage file" (Fig. 14) comprising file name tags of the set of representative images and reads out the set of representative images, which are identified by their respective file name tags embedded within each image, used in image synthesis (col. 13, lines 8-24).

One of ordinary skill in the art would have provided an image synthesizer subsequently operating upon only a representative set of images by identifying the image name tag embedded within each image belonging to the set of representative images for purpose of creating a composite image comprising the highlights from a number of events (Fig. 16). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided an external device subsequently operating upon only the first set of images by identifying a tag embedded within each image belonging to the first set of images for purpose of creating a composite image comprising the highlights from a number of events.

Regarding claim 36, Dow et al. teaches deleting a page or group of pages from memory (Fig. 2, element 94). Dow et al. does not teach deleting all images stored in the device except individual images and preferred images.

However, Kawaoka et al. teaches determining a representative image for each group of a plurality of groups of images and deleting all images except those that belong to the set of representative images with an "inputted deleted command" (Fig. 14; col. 12, lines 2-11 and 20-35). One of ordinary skill in the art would have determined a representative image for each group of a plurality of groups of images, where an individual image of an event is understood to be a representative image of that event, for the purpose of creating a composite image comprising the highlights from a number of events (Fig. 16); furthermore, one of ordinary skill

in the art would have deleted all images except those that belong to the set of representative images because only the representative images are necessary in order to synthesize a composite image (col. 12, lines 23-26). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have deleted all images stored in the device except individual images and preferred images because only the representative images are necessary in order to synthesize a composite image comprising the highlights from a number of events.

Regarding claim 37, Dow et al. teaches the device stores at least one individual image and at least one preferred image (Fig. 2, element 74; Fig. 6; Fig. 9A); and uploading pages or groups of pages to an external device (col. 6, lines 50-56; Fig. 2, element 96). Dow et al. does not specifically teach uploading at least the individual images and the preferred images to an external device.

However, Kawaoka et al. teaches uploading all of the images stored in the image capture device to an image synthesizer (col. 13, lines 16-24). One of ordinary skill in the art would have uploaded all of the images stored in the image capture device to an image synthesizer, including the individual images and preferred images, in order to sequentially display all of the images (col. 13, lines 16-24). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have uploaded all of the images stored in the image capture device to an image synthesizer, including the individual images and preferred images, in order to sequentially display all of the images.

Regarding claim 38, Kawaoka et al. teaches all the images stored in the device are uploaded to the external device (please see the rejection of claim 37). Kawaoka et al. further teaches after the memory card is mounted, the image synthesizer subsequently reads an "image

storage file” (Fig. 14) comprising file name tags of the set of representative images, where an individual image of an event is understood to be a representative image of that event, and reads out the set of representative images, which are identified by their respective file name tags embedded within each image (col. 13, lines 8-24). One of ordinary skill in the art would have provided an image synthesizer subsequently operating upon only a representative set of images by identifying the image name tag embedded within each image belonging to the set of representative images for purpose of creating a composite image comprising the highlights from a number of events (Fig. 16). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided an external device subsequently operating upon only the individual images and preferred images, where an individual image of an event is understood to be a representative image of that event, by identifying a tag embedded within each image belonging to the set of individual and preferred images for purpose of creating a composite image comprising the highlights from a number of events.

Regarding claim 40, Dow et al. teaches a method for manipulating images stored in a device, comprising: selecting for display an image belonging to both a first (Fig. 9A, set 17) and a second set (Figs. 9A, 9B, and 9C) of images using a first control (Fig. 1A, elements 46 and 48, 42 and 44). Dow et al. further teaches designating a preferred image within a group of images with a “live arrow” which designates the first image in a group of images (e.g. 1/13) (Fig. 9A); and selecting for display a different image belonging to the second set of images using the first control (col. 11, lines 2-8). Dow et al. does not teach accessing the second set of images using a second control; exiting the second set of images using the second control; and designating the

most recently selected image belonging to the second set of images as a preferred image, the preferred image thereby becoming a member of both the first and second sets of images.

However, Anderson teaches a selection rectangle and a “mark” button may be used to number a group of images by selecting and then marking each image in a series of images, allowing a user to dynamically reorder the images in a group of images (col. 8, lines 1-9). One of ordinary skill in the art would have provided the capability to mark one of the at least one images belonging to the second set of images as a preferred image (i.e. the first image in a group of images) in order to enable a user to dynamically reorder the images in a group of images, the preferred image thereby becoming a member of both the first and second sets of images (col. 8, lines 1-9). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have designated one of the at least one images belonging to the second set of images as a preferred image using a selection rectangle and mark button in order to dynamically reorder the images in a group of images, the preferred image thereby becoming a member of both the first and second sets of images.

Furthermore, Kawaoka et al. teaches accessing the second set of images using a second control (col. 12, lines 23-26), which is inherent in deleting images; and exiting the second set of images using the second control (col. 12, lines 23-26). One of ordinary skill in the art would have provided a second control in order to access and delete all images stored in the device belonging to the second set of images because only the representative images are necessary in order to synthesize a composite image comprising the highlights from a number of events. As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have accessed and exited the second set of images using the second control in order delete all

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images stored in the device belonging to the second set of images because only the representative images are necessary in order to synthesize a composite image comprising the highlights from a number of events.

Regarding claim 41, Anderson further teaches that designating an image as the preferred image comprises tagging an image with a "1" so that the image is reorded as the first image in the group (Fig. 11; col. 8, lines 1-9). One of ordinary skill in the art would have designated the first image by embedding the tag "1" within the image to enable a user to see the order in which they have marked a group of images for reording (col. 8, lines 1-9). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have designated the most recently selected image belonging to the second set of images as a preferred image by embedding a tag within the most recently displayed image belonging to the second set of images to enable a user to see the order in which they have marked a group of images for reording.

Regarding claim 44, Dow et al. teaches deleting a page or group of pages from memory (Fig. 2, element 94). Dow et al. does not teach deleting all images stored in the device except those belonging to the first set of images.

However, Kawaoka et al. teaches determining a representative image for each group of a plurality of groups of images and deleting all images expect those that belong to the set of representative images with an "inputted deleted command" (Fig. 14; col. 12, lines 2-11 and 20-35). One of ordinary skill in the art would have determined a representative image for each group of a plurality of groups of images for the purpose of creating a composite image comprising the highlights from a number of events (Fig. 16); furthermore, one of ordinary skill in the art would have deleted all images expect those that belong to the set of representative

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images because only the representative images are necessary in order to synthesize a composite image (col. 12, lines 23-26). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have deleted all images stored in the device except those belonging to the first set of images with a "delete input command" because only the representative images are necessary in order to synthesize a composite image comprising the highlights from a number of events.

Regarding claim 45, Dow et al. teaches uploading pages or groups of pages to an external device (col. 6, lines 50-56; Fig. 2, element 96). Dow et al. does not specifically teach uploading the first set of images to an external device.

However, Kawaoka et al. teaches uploading all of the images stored in the image capture device to an image synthesizer (col. 13, lines 16-24). One of ordinary skill in the art would have uploaded all of the images stored in the image capture device to an image synthesizer, including the first set of digital images, in order to sequentially display all of the images (col. 13, lines 16-24). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have uploaded all of the images stored in the image capture device to an image synthesizer, including the first set of digital images, in order to sequentially display all of the images.

Regarding claim 46, Kawaoka et al. teaches all the images stored in the device are uploaded to the external device (please see the rejection of claim 29). Kawaoka et al. further teaches after the memory card is mounted, the image synthesizer subsequently reads an "image storage file" (Fig. 14) comprising file name tags of the set of representative images and reads out the set of representative images, which are identified by their respective file name tags embedded

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within each image, used in image synthesis (col. 13, lines 8-24). One of ordinary skill in the art would have provided an image synthesizer subsequently operating upon only a representative set of images by identifying the image name tag embedded within each image belonging to the set of representative images for purpose of creating a composite image comprising the highlights from a number of events (Fig. 16). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided an external device subsequently operating upon only the first set of images by identifying a tag embedded within each image belonging to the first set of images for purpose of creating a composite image comprising the highlights from a number of events.

Regarding claim 47, Dow et al. teaches the device is a digital camera, a palmtop computer, a PDA, a personal computer, or a communicator phone (Fig. 1A, element 22).

Claims 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dow et al. (EP Pub. No. EP 0 978 987 A2), in view of Anderson (U.S. Pat. No. 6,249,316) in view of Kawaoka et al. (U.S. Pat. No. 6,801,251), and further in view of Aoi et al. (U.S. Appl. No. 2003/0169349 A1.

Regarding claim 42, Anderson further teaches that designating an image as the preferred image comprises tagging an image with a "1" so that the image is reorded as the first image in the group (Fig. 11; col. 8, lines 1-9). Anderson does not teach the setting of a directory attribute.

However, Aoi et al. teaches a naming and file structure for tagging single images and groups of images in order to indicate the directory of a group of images (Fig. 3, DIRECTORY), the sequence in which a series of images were captured (Fig. 3, index number of image file in

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FILE NAME column, e.g. "3432", "3433", etc.), and the group to which a particular image belongs (Fig. 3, GROUP column, letter in FILE NAME column, e.g. "STA", "STB", etc). Aoi et al. further teaches a file having file head "STA" represents a file at the head of a group of images and that the order of generation and storage of data can be decided by including a character showing a component of the group (e.g. "A", "B", "C", etc.) (para 116 and 117). One of ordinary skill in the art would have designated a preferred image by setting a directory attribute comprising a file name having the file head "STA" in order to "quickly correspond to the case in which a user arranges data" (para 117). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have designated the most recently selected image belonging to the second set of images as a preferred image by providing a file name having the file head "STA" in order to "quickly correspond to the case in which a user arranges data" (para 117). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have designated the most recently selected image belonging to the second set of images as a preferred image by providing a file name having the file head "STA" in order to "quickly correspond to the case in which a user arranges data".

Regarding claim 43, Anderson further teaches that designating an image as preferred image comprises tagging an image with a "1" so that the image is reordered as the first image in the group (Fig. 11; col. 8, lines 1-9). Anderson does not teach adding to a list of preferred images an identifier corresponding to an image belonging to a second set of images.

However, Aoi et al. teaches a naming and file structure for tagging single images and groups of images in order to indicate the directory of a group of images (Fig. 3, DIRECTORY), the sequence in which a series of images were captured (Fig. 3, index number of image file in

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FILE NAME column, e.g. "3432", "3433", etc.), and the group to which a particular image belongs (Fig. 3, GROUP column, letter in FILE NAME column, e.g. "STA", "STB", etc). Aoi et al. further teaches a file having file head "STA" represents a file at the head of a group of images and that the order of generation and storage of data can be decided by including a character showing a component of the group (e.g. "A", "B", "C", etc.) (para 116 and 117). It is clear that reordering a group of images such that a different image becomes the preferred image requires renaming the new preferred image with file head "STA". One of ordinary skill in the art would have provided the file head "STA" identifier to the file name of the new preferred image in the file name list (comprising a list of preferred images) (Fig. 3) for the purpose of identifying a new first image in a group of images (para 116 and 117). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have designated the most recently selected image belonging to the second set of images as a preferred image by adding to a list of preferred images an identifier corresponding to the most recently displayed image belonging to the second set of images for the purpose of identifying a new first image in a group of images.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Jelinek whose telephone number is (703) 305-4724. The examiner can normally be reached on M-F 8:00 am - 4:00 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on (703) 308-9644. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

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Brian Jelinek
12/20/2004



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